



U.S. Department of Justice

United States Attorney
Southern District of New York

December 16, 2024

By ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Joseph Bolanos v. The City of New York, et al.*, No. 24 Civ. 1011 (VSB)

Dear Judge Swain:

This Office represents Special Agent Nathan Rudnick (“Rudnick”) and Task Force Officer Sean Quealy (collectively, the “Federal Defendants”) in the above-referenced action brought by plaintiff Joseph Bolanos (“Plaintiff”) pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) and the Civil Rights Act, 42 U.S.C. § 1983. Plaintiff also brings claims against the City of New York (the “City”). We write respectfully with the City to jointly request that the Court adjourn the deadline for the parties to submit a joint letter and proposed case management plan, and stay discovery to a date after the Court resolves the pending motions to dismiss.

On September 27, 2024, the Federal Defendants filed a motion to dismiss the claims brought against them pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF Nos. 30, 31. On October 25, 2024, the City filed a motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). ECF Nos. 38, 39. Plaintiff did not submit an opposition to either motion, despite repeated reminders from Judge Broderick that if no opposition was filed, the Court would view the Federal Defendants’ and the City’s motions as unopposed. *See* ECF No. 40 (sua sponte extending the time for Plaintiff to respond to the Federal Defendants’ motion from October 28, 2024, to November 18, 2024, and indicating that if no opposition was submitted, the Court would consider the motion unopposed); ECF No. 43 (sua sponte extending the time for Plaintiff to respond to both motions until December 9, 2024, and indicating that if Plaintiff did not respond, the Court would view the motions as unopposed). Plaintiff did not submit an opposition to either motion.

The current deadline for the parties to submit a joint letter and proposed case management plan is December 20, 2024.¹ ECF No. 37. In light of the pending dispositive motions, which are now fully briefed, the Federal Defendants and the City respectfully request that the Court adjourn the deadline for the parties to submit a joint letter and proposed case management plan, and stay

¹ The parties previously sought an adjournment of this deadline on October 8, 2024, but did not specifically request that discovery be stayed pending resolution of the pending motions. ECF No. 36. The Court extended the time for the parties to file their joint letter and directed the parties to make a separate request to stay discovery by December 17, 2024. ECF No. 37.

discovery pending resolution of the motions. Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, the Court has discretion to stay discovery for good cause shown. *Spencer Trask Software & Info. Servs., LLC v. RPost Int'l Ltd.*, 206 F.R.D. 367, 368 (S.D.N.Y. 2002). “Good cause may be shown where a party has filed a dispositive motion, the stay is for a short period of time, and the opposing party will not be prejudiced by the stay.” *Id.* Here, the Federal Defendants and the City have met the standard for obtaining a stay of discovery, as there are two pending dispositive motions and there is no prejudice to Plaintiff if this matter is stayed. Moreover, the Federal Defendants and the City respectfully submit that the adjournment and stay would preserve the Court’s and the parties’ time and resources.

This is the second request for an adjournment of the deadline for the parties to submit a joint letter and proposed case management plan, but the first request for a stay of discovery. The Federal Defendants and the City have reached out to Plaintiff’s counsel on this issue but have not received a response.

We thank the Court for its consideration of this request.

The foregoing request is granted. The deadline for the joint proposed case management plan is adjourned sine die, and discovery will be stayed pending further orders of the Court. Defendants' motions remain under consideration and will be considered fully briefed due to Plaintiff's failure to oppose, pursuant to Judge Broderick's December 3, 2024 Order (docket entry no. 43). This resolves docket entry no. 44. SO ORDERED.

/s/ Laura Taylor Swain, Chief U.S.D.J.
Date: December 16, 2024

Respectfully,

EDWARD Y. KIM
Acting United States Attorney for the
Southern District of New York

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